



"To enrich lives through effective and caring service"

SMALL CRAFT HARBOR COMMISSION

AGENDA
APRIL 11, 2007
9:30 a.m.

BURTON W. CHACE PARK COMMUNITY ROOM
13650 MINDANAO WAY
MARINA DEL REY, CA. 90292



Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes: Meeting of March 14, 2007
3. **REGULAR REPORTS**
 - a. Marina Sheriff (DISCUSS REPORTS)
 - Crime Statistics
 - Enforcement of Seaworthy & Liveaboard Sections of the Harbor Ordinance
 - b. Marina del Rey and Beach Special Events (DISCUSS REPORT)
 - c. Marina del Rey Convention and Visitors Bureau (PRESENTATION BY BEVERLY MOORE, EXECUTIVE DIRECTOR OF MdR CVB)
4. **OLD BUSINESS**
 - a. Panay Way Marina Boat Slip Eviction of Ruben Cardona (DISCUSSION)
(continued from March 14, 2007)
 - b. Live-Aboard Bill of Rights Review By County Counsel (DISCUSS REPORT)
(continued from March 14, 2007)
5. **NEW BUSINESS**
 - a. None

6. **STAFF REPORTS**

(DISCUSS REPORT)

a. Ongoing Activities

- Board Actions on Items Relating to Marina del Rey
- Local Coastal Program Periodic Review – Update
- Status of Dredging Project
- Design Control Board Minutes
- Strategic Planning Process for Marina del Rey

b. Response to Public Inquiries

(DISCUSS REPORT)

- Parcel 20 (Capri Apartments) Affordable Housing -
Parking Charges and Rent Increases

7. **COMMUNICATION FROM THE PUBLIC**

8. **ADJOURNMENT**

PLEASE NOTE:

1. The Los Angeles County Board of Supervisors adopted Chapter 2.160 of the Los Angeles Code (Ord. 93-0031 § 2 (part), 1993), relating to lobbyists. Any person who seeks support or endorsement from the Small Craft Harbor Commission on any official action must certify that he/she is familiar with the requirements of this ordinance. A copy of the ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.
2. The agenda will be posted on the Internet and displayed at the following locations at least 72 hours preceding the meeting date:

Department of Beaches and Harbors' Website Address: <http://marinadelrey.lacounty.gov>

Department of Beaches and Harbors
Administration Building
13837 Fiji Way
Marina del Rey, CA 90292

MdR Visitors & Information Center
4701 Admiralty Way
Marina del Rey, CA 90292

Burton Chace Park Community Room
13650 Mindanao Way
Marina del Rey, CA 90292

Lloyd Taber-Marina del Rey Library
4533 Admiralty Way
Marina del Rey, CA 90292

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**SMALL CRAFT HARBOR COMMISSION
MINUTES
MARCH 14, 2007**

Commissioners

Searcy Harley, Chairman; Russ Lesser, Vice-Chairman; Albert Landini, Ed.D. Christopher Chuang-I Lin, Ph.D.; Vanessa Delgado, MPA

Department of Beaches and Harbors

Stan Wisniewski, Director

Also Present

Thomas Faughnan, Principal Deputy County Counsel; Beverly Moore, MdR Convention and Visitors Bureau; Captain Mary Campbell, Sheriff's Department; Sgt. Michael Carriles, Sheriff's Department; Deputy John Rochford, Sheriff's Department

1. CALL TO ORDER, ACTION ON ABSENCES AND PLEDGE OF ALLEGIANCE

Chairman Searcy called the meeting to order at 9:35 a.m. The Commissioners, staff and members of the public stood and recited the Pledge of Allegiance.

2. APPROVAL OF MINUTES

Chairman Searcy moved and Commissioner Delgado second a motion to approve and discuss the February 14, 2007 minutes. The motion passed unanimously.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Nancy Marino stated there were errors to her comments from the February 14, 2007 minutes. She stated her public comment on Page 2 should read, "alternate forms of transportation such as the waterbus and shuttle only run from Memorial Day to Labor Day. On Page 3 should read, "200 people were at the prior DCB meeting but were not given adequate time for discussion" and on Page 5 which states, "The lessees want and believe what will streamline the approvals process....of the MdR's Master Plan. The Lessees feel...participation and review." Ms. Marino said wanted these comments removed and replaced with, "it is the County's obligation verses the Lessees to bring the Master Plan to public attention to allow public participation and review." She stated she was not speaking for Lessees, but was speaking on behalf of many groups who have expressed the idea that they would like to know what is going on because they don't think there was a Master Plan.

Mr. Doug Ring faxed documentation to correct an error from the February 14, 2007 minutes. On page two, paragraph four which says, "He stated any liveaboard tenant of his could apply for a slip, but there is guarantee." Mr. Ring wrote that it should read, "He stated any liveaboard tenant of his could apply for a slip, but there is no guarantee."

Chairman Searcy moved and Commissioner Delgado second a motion to approve the corrections for the February 14, 2007 minutes. The motion passed unanimously.

3. REGULAR REPORTS

a. Marina Sheriff – Crime Statistics

Sgt. Carriles stated vehicle and bicycle thefts have decreased since arrests have been made. There have been no boat burglaries or boat thefts. He stated thefts from vehicles are not occurring from break-ins, but from items in plain view and has informed Lessees and apartment managers to notify their tenants.

--- **Enforcement of Seaworthy & Liveaboard Sections of the Harbor Ordinance**

Sgt. Rochford stated there were fifteen liveaboard permits issued in February. No notices to comply were issued, but would be posted at the end of March. The total reported docked vessels are 4,416 and 7.7%-registered vessels.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Carla Andrus apologized because she was unable to review this information and would like it discussed at the next meeting. She stated when the numbers are reviewed it would prove that tenants with smaller boats are being evicted and that new liveaboards have larger boats. She commented that if this were reviewed closely it would show how smaller boats are being displaced and evicted.

b. Marina del Rey and Beach Special Events

Mr. Wisniewski discussed the upcoming events in MdR, which was submitted and discussed at the meeting.

c. Marina del Rey Convention and Visitors Bureau

Ms. Beverly Moore reported that the MdR Convention and Visitors Bureau publishes quarterly the Hospitality News for Travel and Trade, which focuses toward group and meeting planners. She said the Bureau has added tripadvisor.com, wikitravel.com and world66.com to the website to inform residents and visitors about activities occurring in the Marina and that it is monitored regularly for compliance. She commented that during the last several years, bus service has decreased in MdR. The Culver City, Santa Monica and MTA bus lines have substantial routing and scheduling problems. She stated the Culver City bus services Fisherman's Village, only travels two blocks in the Marina, doesn't operate on Sundays and doesn't connect from Fisherman's Village to Mother's Beach. She stated riders would have to switch to the Blue Bus, which comes every hour and ends at Venice Pier. She commented that this shows a lack of coordination between the three bus lines and that a group was formed to discuss and identify these problems for improved bus services.

4. OLD BUSINESS

a. Panay Way Marina Boat Slip Eviction of Ruben Cardona

Mr. Sherman Gardner commented that the word eviction was an incorrect term to use in this particular case and that it is not in their nature to evict any one or send anyone away. He explained that they have been in business for a very long time and only evicted few people if any at all. He stated in this particular case they were rehabbing the Marina in phases, which took approximately twelve months. During the process, Mr. Cardona informed them that he was relocating to King Harbor, where he is a member. Mr. Gardner stated staff bent over backwards to find Mr. Cardona a slip and extended the period of time in which he was staying elsewhere. He stated he was not aware that Mr. Cardona was evicted and it was not because of rehabbing the Marina they don't do that. Notices are sent out to tenants informing them of the plan for those who are in good standing and have been good residents for a long period of time.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Donald Klein explained that he was a tenant at Dolphin Marina in the past and received an eviction notice, as well as others. He asked Dockmaster Ispas why he was being evicted and was told that he didn't have to give him a reason. He stated he would like to see that all of Mr. Gardner's statements be verified. This would show that there were quite a few evictions.

Ms. Carla Andrus commented that past minutes should be reviewed because this is an ongoing process. She stated Mr. Cardona wanted to stay in the Marina to be near his mother, place of employment and was not a member of King Harbor but had no other options. He contacted POWER because he felt his eviction was unfair and does not know what this is about. Because he had no rent issues and was a good tenant and neighbor. She commented that she was glad to hear he was not being welcomed back due to violations.

Ms. Nancy Marino stated at the February 14, 2007 meeting Commissioners requested for the Lessee to return because they had intimated that Mr. Cardona had been evicted for cause. She commented that the statement made sounded like a bald face lie and does not think both statements could be true.

Commissioner Landini stated that Mr. Gardner did not say why he did not or was not inviting Mr. Cardona back and that a statement should be submitted.

Commissioner Lesser and Commissioner Landini asked Mr. Gardner if Mr. Cardona wanted to return now would he be welcomed back.

Mr. Gardner stated anyone is welcomed to apply. He is more than welcomed to submit an application, but he doesn't have all the details as to why Mr. Cardona was not asked to return.

Commissioner Lesser stated the Commission wants details and if he applied would there be any reason he would not be accepted assuming there is space.

Mr. Gardner stated that he would be happy to have the Dockmaster submit his itinerary as to what took place in the Marina to the Commission.

Chairman Searcy asked that the Dockmaster come forward to explain with more details.

Mr. Horia Ispas, Dockmaster for Panay Way Marina Harbor stated he would be happy to submit in writing the whole itinerary, including issues relating to Mr. Cardona's tenancy to notices that were served. He stated he would have this information within a week.

Chairman Searcy commented that this information would be shared with the public and requested that he attend the next meeting with or without Mr. Gardner and if Mr. Cardona is available to attend as well.

b. Liveaboard Bill of Rights Review By County Counsel

Chairman Searcy approved to continue this item at the April 11, 2007 meeting at the request of Mr. Jun Yang representative of POWER.

5. NEW BUSINESS**a. Appointment of a Member and Alternate to the Marina del Rey Convention and Visitors Bureau Board of Directors for 2007**

Chairman Searcy moved and Commissioner Delgado second a motion to appoint Commissioner Landini as Alternate Member Board of Directors and Commissioner Lesser as Member to the MdR Convention and Visitors Bureau Board of Directors for 2007. The motion passed unanimously.

b. Traffic Mitigation Measures Within Marina del Rey – Quarterly Report

Mr. Barry Kurtz discussed the completed, proposed and under construction transportation projects in MdR. He stated the Board approved the MdR Summer Shuttle Pilot Program in partnership with Playa Vista for expansion in 2007. The Traffic Mitigation Measures Within MdR Report and Summer Shuttle Pilot Program was submitted and discussed at the meeting.

Commissioner Landini stated he was pleased with the clarity of the report and maps and suggested the Argonaut publish this for the public's view. He asked for an overview of Proposed Project Item One.

Mr. Kurtz stated the project completion date is scheduled for 2007 and has been submitted by Public Works for the 2007 call for projects. If approved for funding the designing process will start and if not Public Works will look for other funding alternatives or it will be postponed. The EIR/EIS process will continue, but Project 2 and 4 were not submitted in the call for projects.

Commissioner Delgado asked if these improvements were related to projects or the master plan or is this specific to proposals from Public Works.

Mr. Kurtz stated that Proposed Project Item 1 was envisioned to improve circulation in the Marina. It was considered a Regional Transportation Improvement that would mitigate development that has already occurred in the City and County of Los Angeles, which 98% of the developments has occurred in Los Angeles and Culver City. He stated Item 2 was a LCP requirement that Admiralty Way be improved to handle the traffic generated by redevelopment in the Marina and development in the adjacent jurisdiction of the City of Los Angeles. Lastly, he stated Item 3 was also in the LCP, which would mitigate more development in the City of Los Angeles than in the Marina because this route is used by bike path traffic.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Nancy Marino stated Item 5 of the Proposed Transportation Improvements is being done without public notice or hearings. She stated she received information that it was a mitigation measure for the Del Rey Shores Project and that the public has adequate time for input on this project. She disagreed because residents who live 100 feet from Parcels of Del Rey Shores only noticed it. She stated she and other residents did not receive notice regarding this project and did not know this type of mitigation was being offered for this project. On Item 8 she commented that it might be a good idea to widen the lanes, alternate transportation for efficiency, paint the waterside bike lane on Admiralty Way and included that a bike lane is needed in the residential area of Via Marina, because it is dangerous. She said Item 16 states the LCP requires an internal MdR Shuttle System and thinks this program is inadequate and does not take into account the huge residential population that already exists or planned for some of the larger developments that are going into MdR.

Ms. Helen Garrett stated a Shuttle System is needed in MdR because older people are losing their ability to drive and without transportation are forced to move. She commented that there are discussions relating to new apartment structures being built to improve and mitigate traffic, but there is no discussion about mitigating the lives of people. She asked the Commission to consider a shuttle system, which they are entitled to and want.

Mr. Kurtz commented on statements given by Ms. Marino. He said the Palawan Way/Washington Street Proposed Improvement traffic signal was mentioned in the EIR with other projects that needed mitigation for developments such as Del Rey Shores and Admiralty Apartments. He stated that on the Fiji Way Bike Lane Project only one side of the street is wide enough to ride a bike lane and that is why Fiji Way is being widened and if a bike lane is only on one side it will encourage people to ride the wrong way. He explained that a shuttle is wanted and needed in MdR and has been worked on for years. There was a shuttle operated by LADOT that failed due to lack of riders, but wasn't operated throughout MdR. In the past, meetings were formed with MTA and Public Works Transit to discuss a shuttle service. It was agreed not feasible due to the demand for riders during peak hours, which was not there. In 2003 and 2007, MTA again denied funding:

Commissioner Lesser commented that most beaches have dial-a-rides and are cost effective. Shuttle systems allow people to get around who are unable to drive, but it seems that there is no demand with a population this size to justify a Shuttle system.

Mr. Kurtz agreed a Shuttle is needed. He said a meeting was held with Playa Vista to set up a demand responsive system to serve MdR, Fox Hills, Howard Hughes Center and LMU. It is scheduled to open in 2010, will be free during peak hours and considered a requirement for Playa Vista Development by the City and County of Los Angeles to have an expanded shuttle. The County would like to piggyback on that shuttle and have it full time through the Marina and will not be satisfied with the demand responsive system. He stated the problem with a ten minute fixed route is driving around MdR and to have enough buses to do that it cost approximately \$500,000 a year, which is not the initial main cost. The main cost is the ongoing maintenance to pay bus drivers and a steady source of income. He stated Playa Vista is paying this with their monthly residence fees and an ongoing source of funds is needed that would serve a fixed route Shuttle system through MdR.

Chairman Searcy stated this was an issue and suggested that each Commissioner discuss this with their appointing authorities and to watch it closely.

Mr. Wisniewski stated the Department is committed to the dial a ride or internal Shuttle system with surrounding neighborhoods.

Commissioner Lin said people tend to focus primarily on expanding freeways instead of the public system. This is a County Wide problem and our mentality needs to change and use public transportation to help mitigate traffic.

c. Approval of Option for Lease to Facilitate Redevelopment – Parcels 52R & GG (Boat Central) – Marina del Rey

Mr. Wisniewski stated that the Department has completed a RFP Process for Parcels 52R & GG. Parcel 52R is currently a public parking lot used frequently for guest of fishing and charter vessels. Parking will be in the new Fisherman's Village project. Parcel GG consist of the Sherriff's boat ride facility, a black and white auto repair facility, five office trailers for staff, boat slips used by DBH and the Sheriff's Dept. The proposal is to replace or move these facilities offsite. The Sheriff's boat ride facility will remain onsite as well as the boat slips for DBH. It would be replaced with a Dry Stack Storage Facility that will be approximately 47,000 sq. ft., 70 ft. high and will extend out partially over the water 97 ft. on the Westside and 45 ft. on the Eastside of the facility. It will accommodate between 346-367 dry storage boats and 28 boat trailers. There will be outside storage for 30 Mast-Up sailboats and no less than 131 on-site parking spaces.

He stated the intent is to move the facilities that currently exist on Parcel 77, which is adjacent to Chace Park. The Departments option is to purchase in order to expand Burton Chace Park.

There will be sufficient storage capacity in this new project to meet the needs of those that are at Parcel 77. There is a boat repair facility on Parcel 77 and there will be a new boat repair operation at the new project. He stated there would not be a net loss for the boat repair facility. It was important to maintain the small boat repair facility because commercial boat repair yards have higher overhead and are costly. He stated the estimated balance received from Parcel 52 is approximately \$24,000 a year and \$0 from Parcel GG. The \$24,000 will increase to approximately \$340,000 a year in County rent. The Dry Storage Facility will require a LCP Amendment to move and facilitate the construction and believes that at Parcel 52/GG there is currently a designation for a public building and intends this to be DBH Administration Building, but will continue to look at other sites in MdR. Does not want to relocate there, because it is an ideal site for Dry Stack Storage. It is in a commercial area, next to two boat repair yards, next to our Departments launch ramp and is a boater friendly environment.

Mr. Wisniewski stated he thinks this is the only place in MdR a facility of this type could be. It would be a new 60-year lease, which would incorporate the Departments Fair Market Value provisions. The Department has an appraisal that confirms that the deal negotiated represents Fair Market Rental Return to the County. He summarized in the Draft Board Letter an extensive detailed description of all the terms, as well as in the Option Agreement. Mr. Wisniewski requested that the Commission endorse the Departments recommendation to the Board of Supervisors to execute this option. He explained that it does extend out over the water and has reason to believe the California Coastal Commission will approve this project. He stated the Board of Supervisors and the Design Control Board would review this and is scheduled on their agenda this month. Following this meeting the Regional Planning Department and the California Coastal Commission would also review it, because a LCP Amendment is required.

Chairman Searcy asked when the next public meeting would be held with the Board of Supervisors.

Mr. Wisniewski stated the DCB meeting would be held at Burton Chace Park on March 15, 2007 at 2:00pm. He commented that the design would be available for viewing, pictures would be presented an extensive presentation would be given focusing on the DCB's responsibility and included that a discussion would be given on the LCP Amendment Requirement Over the Water Component. He stated the Department has worked diligently with the proposer to pull it back as much as possible from over the water, which in the past extended further. He said it maximizes Dry Storage as well as the number of boat slips that would be available for pulling boats out of storage and into the water ready for the clients to use for recreational purposes. He stated Mr. Greg Schem is an opponent of this project and would possibly continue to oppose this project. He said he has met with him as well as the proposer to reach an accommodation, which could not be done. Lastly, he stated the Harbormaster has looked at this project and senses that it would be safe and not interfere with the Boat Launch Ramp activity.

Commissioner Landini asked Mr. Wisniewski why extend over the water.

Mr. Wisniewski stated to maximize the amount of storage as well as to employ new technology, which is an actual crane that is built into the system. It will crane the vessels out over the water and put them into the water rather than using forklifts. He stated Burton Chace Park is across the water from this project and did not want the noise of forklifts emanating into Burton Chace Park and wanted something State of the Art. He stated this is not the first time this type of facility has been built in the United States and that the proposer was present to provide any additional background.

Commissioner Landini asked how long is the option.

Mr. Wisniewski stated he did not recall but would answer after public comment.

Commissioner Lesser asked what is the current net change in storage facility and what is being replaced in dry storage.

Mr. Wisniewski stated it is approximately 140, which is more storage and the option is for eighteen months with the ability to extend for another six or twelve months.

Commissioner Landini asked would it affect the option if the DCB changed the terms to their recommendations before submitting it to the Regional Planning Commission.

Mr. Wisniewski stated it does not affect the option and the DCB will review this project again. It will first go through a conceptual review and approval and when it has its entitlements will go back to the DCB for architectural considerations.

Commissioner Landini asked Mr. Wisniewski to explain how he reached the Fair Market Value of the Lease Agreement and is a fair return of the property being received.

Mr. Wisniewski stated MAI Appraisers are hired to ensure that the Department is getting market value. The Department reviews rents at other facilities, square footage and rent on the land in which the Department is deciding to purchase. The Department usually exceeds Fair Market Rental Return that is an appraisal process as well as an economic process. He stated that the Department also uses an Economic Consultant to guide and negotiate the deal, look at the profit to the Lessee, return on value to the County and existing comparables. The Department holds the Lessees fees to the prior as much as possible to prevent drying the project and try to provide the minimum return that they will build at. Lastly, he stated the Department goes to a MAI Appraiser to validate what the Economic Consultant that has guided the Department in the negotiations.

Commissioner Lin asked if it is a Sub-Lease or a Lessee who will exercise the option.

Mr. Wisniewski said no the proposer is the perspective Lessee. He is not currently a Lessee in MdR. He is new and can't assign that right without County approval.

Chairman Searcy asked if there are boat facilities elsewhere.

Mr. Wisniewski stated he would like the proposer to address that information.

Mr. Tom Hogan Principal of Pacific Marina Development stated he is one of the partners along with Almar Marinas that are the proposers of this site. Almar has approximately 15 Marinas and 4500 slips in their portfolio. He stated they are a Marina company, developer, operator and manager and has been in the business well over 30 years.

Chairman Searcy asked what development is closest to this location.

Mr. Hogan stated right now they are managing and running a contracted purchase of the MdR Hotel facility for approximately one year and most of there properties are in California. He stated Almar does manage one facility in Hawaii and until July 2006 managed the Caba San Lucas Marina, which was sold in July. He added that the majority of properties are in California.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Greg Schem stated he is the Lessee of Parcel 53 and agreed with Mr. Wisniewski that the Marina needs a Dry Stack Facility, but strongly objects and opposes to the applicants proposal for three major reasons: (1) it over develops Parcel 53 far in excess then what should be built there, (2) the project is built 100 ft. out over the water, and (3) the project is unfeasible because it violates the County's own design and guidelines set forth in the LCP. He said Basin H is the

busiest basin in MdR. He stated as Mr. Wisniewski pointed out this is the only public launching ramp and on a typical summer weekend this basin is intense with an additional 300 – 400 boats. It is dangerous and creates a chaotic environment in this area. The County should do a study of the congestion of Basin H to see if this is the appropriate size for development. He stated he understands maximizing revenue, building size and going as far out as the creative precedent building 100 feet out over the water. The building is 70 feet high, 85 feet above average site height level, and people in his slip will be looking out at a building towering over the water. The boat structure is a negative impact, it eliminates Mast-Up Boat Storage at Parcel 77 and estimates over 100 sailboats, which cannot use this facility and should be eliminated. In terms of entitlements the proposed project is inconsistent with the LCP. It violates Section 3C of the Specification and Minimum Standards of Architectural Treatment and Construction, which is incorporated in the LCP. The section states no structure can be built out over the water. These standards have been consistently applied throughout the Marina and would render this project unfeasible if applied to the design. He stated the site for this project, as he understood is public facility zoning, which does not permit this type of facility and is going to be very difficult to get this type of entitlement. He stated the project is too big, too tall, and too expensive. He commented that the proposed developer has an excellent reputation and would do a fine job in the Marina, but the project is too big. He stated time is being wasted chasing a project, which requires a major LCP Amendment and is inconsistent with the County's own design guidelines. He asked the Commission to overturn this project to be redesigned so that it would be in compliance with all applicable zoning and LCP requirements.

Mr. Wisniewski stated he made an error regarding Parcel 77. The Dry Storage space now is approximately 219 and for this project would be approximately 346-367 spaces. He stated the Department is very sensitive about Mast-Up Storage and to his understanding there will not be any spaces that won't be accommodated in the 30 on the proposed project. He explained that staff counted 19 on Parcel 77 and doesn't recall having more than 30 in quite some time. The Department would only consider going out over the water for this recreational boating facility and this is the only facility that would get permission to build out over the water. He commented that Mr. Schem has the adjacent leasehold and was one of the proposers, but was not selected. Lastly, Mr. Wisniewski stated he understood his motivation and appreciated him for being at the meeting to provide his comments. But the Department has worked with the California Coastal Commission staff and believes this project will ultimately be approved.

Ms. Nancy Marino commented that if developments are allowed to go out over the water, it is sure that others would also in the future. That is why this project is another prime example why it is so imperative to have a master plan. She stated if the County signed the Lease Option they would be obligated to certain performance and be obligated to sign the lease for this project before Beaches and Harbors has found itself a home. She commented that the LCP states this is Beaches and Harbors home and this is where it is designated to be. She asked what is the Fair Market Value of recreational land, because she doesn't think this is simply a financial decision that needs to be made, but that other aspects have not been carefully considered or integrated. She urged the Commission to give unanimous recommendation against signing this lease.

Ms. Marino continued by stating parking for this project will call for 376 to 397 boats and yet only 131 parking spaces are being provided. She asked where are people going to park on summer weekends. Only 1/3 of the people will have a place to park to access their boats. Public parking on Parcel 52R must be replaced as part of the redevelopment plan for Fisherman's Village and the County will relocate its landside uses to alternate facilities. She included that the LCP requires that all parking for private developments be included onsite so if they are looking to find overflow parking should look some other place. She stated that the California Coastal Commission has recommended that all of the Amendments be done at one time. The public is demanding that if the County wants to do a project that violates the existing LCP they

need to get these Amendments before they contract themselves and our tax dollars to these projects.

Ms. Marino commented this is our public land and money. The Commission is suppose to be the stewards not the masters of it. She stated being against this development, all of the individual projects and that this project is the developer's own rendering. Boats that are being displaced and pushed up on land are smaller boats not large boats and many don't have engines. Lastly, she called it a "wind shadow" and asked how are the smaller boats going to get out. This is going to disrupt the wind flow for all of the smaller boats that won't be able to be in the water and enjoy the experience on the water.

Mr. Donald Klein stated that he was opposed to the entire project. He concurred with Mr. Schem and Ms. Marino's findings and statements. He stated Mr. Wisniewski is doing what's called reverse engineering, which he has done several times. Can't imagine anyone approving a lease for 60 years without it being approved and can not assume that it will be approved. He stated it is ridiculous to submit this to the Board of Supervisors without it being approved by the Core of Engineers or being submitted to the California Coastal Commission. He stated the statement heard from Mr. Wisniewski seems that he has reason to believe that this is going to pass and that he must know something we don't know. Mr. Klein stated he has met with the California Coastal Commission and they had no indication of this project and thinks it is premature to send this to the Board of Supervisors for approval.

Ms. Carla Andrus stated she does not know how parking for Parcel GG is going to be moved to Fisherman's Village. Currently, there are five parking lots without enough parking in front of the Design Control Board. She asked if a decision was made to build a four or five parking level structure on prime waterfront property in front of Mothers Beach because the Design Control Board has already denied this project so moving it to Fisherman's Village is ridiculous. She stated there's no reason to expand Burton Chace Park and to leave Dock 77 where it is. It's not necessary or needed for technology to move boats into the water. She stated a master plan is needed and that the LCP Amendment should be done first for Parcel 55 then Parcel GG. Lastly, said she would like to submit the taped Design Control Board meeting from April 27, 2006, for their review.

Commissioner Delgado stated the way she understood the report was that it seemed to park itself and the project itself is parking on site but relocating public parking.

Mr. Wisniewski stated it does park itself. The parking currently at Parcel 52 is leased to the Lessee of Fisherman's Village. In the 60's when Fair Market Value was created as a Lease hold there was no parking for its uses. So they acquired Parcel W, which is a County parking lot in front of Parcel 56. Then on a month-to-month basis was rented from the County (Parcel 52) for overflow parking. When Fair Market Value projects came about they insisted that all of the parking needed to be built on Fair Market Value to accommodate all of their onsite uses, which eliminated all of the offsite parking lots on Parcel 52. So Fair Market Value will be fully parked for all of its uses including Dry Stack Storage.

Commissioner Lesser commented hearing on a regular basis that more recreational and open land is needed and it seems expanding Chace Park accomplishes that goal of creating open space and green area, but people are opposed to that. He stated what has also been heard many times is that small boat owners are being driven out of the Marina and there is less opportunity for small boat owners. He commented this is an opportunity for people to own a small boat in the Marina and keep it in Dry Stack Storage, but people are against it. He stated times have changed when the rules were first written and the County didn't have this technology. It will improve the facility if it goes over the water because it is more efficient and does a better job at bringing boats in and out of the water. This doesn't mean restaurants are going to be put out over the water, but it will increase money to the County, which is another

goal for this Commission. He stated thirteen million people own this Marina and one of the goals with being a small boat harbor is to raise revenue and this will accomplish that goal. He also stated hearing how congested it will be with 350 boats going into the water. He commented that approximately 98% of the boats are sitting in the slips on weekends, but it seems that only five percent will have twenty boats a week going out of Dry Storage Facility. He stated this is needed because some people use their boats on a regular basis and it seems positive to have boats available for people who want to use them periodically. The standard process used for developments is that the proposer has to have some concept that he is going to get something approved and that it is going to be financially viable before he goes through the effort of going through DCB planning the project and spending money. Lastly, he stated the public has several opportunities to make changes and should proceed with this concept and is in full favor of it for approval.

Chairman Searcy moved and Commissioner Delgado second a motion to approve Option for Lease to Facilitate Redevelopment – Parcel 52R and GG (Boat Central). The motion did not pass unanimously.

Chairman Searcy commented hearing people constantly saying there is no master plan. He stated it might be that people don't remember the master plan.

Mr. Wisniewski stated that in 1997 the Department composed an Asset Management Strategy, which when incorporated with the LCP is the planning document for redeveloping the Harbor. Since that time the Department has developed three other planning efforts such as: (1) a master planning effort for the Marina, which has gone through a public process for redeveloping the entire area, (2) the Department recently consulted to do a public outreach effort for the master planning of Chace Park, and (3) hired the same consultant to develop urban design guidelines that have been requested by DCB. He stated the Asset Management Strategy can be revisited and the Department would incorporate the three master planning efforts and the decisions from the Commission and Board of Supervisors, but to say there is no master plan for Marina del Rey is obscured. This is the Strategic Plan for Marina del Rey and was the first Strategic Planning document created from what he remembers in the history of the County of Los Angeles. Lastly, he stated after it was created the County embarked on a Strategic Planning effort for the entire County.

Chairman Searcy commented that changes occur and that it might need to be revisited so people can have an opportunity to make comments. Many people weren't around, don't remember, or if they do don't agree with it. This would give people a chance to see other items of planning, which will not be appended to it.

Mr. Wisniewski stated the Department would make that available. He commented that the current plans are to buy back a portion of the leasehold, acquire another leasehold and buy back a full leasehold. The 2 1/2 leaseholds the Department is acquiring back will expand the land base of Chace Park and double the land space. It will also quadruple the water areas the County controls.

Chairman Searcy stated some comments were made from the public and have been inserted into this particular transaction to make sure none of the Dockside facilities would be torn out until they were replaced. He stated it was documented into the RFP in response to the public.

Commissioner Landini denied the motion to grant this option. He stated Ms. Andrus and Mr. Klein have raised very good points that this project is very confusing. He stated his no-vote does not represent the details of the performance of the lease. By lease agreements coming to them first carry with them an inherent approval of the design concept and building out over the water without clarification of the process or explanation of it other than a sixty year lease based on 8 1/2 sends the wrong message to the Los Angeles County Board of Supervisors. His opinion

of building out over the water is not good and allowing people to build structures over highways and streets, which the City and County of Los Angeles both have, resisted people who want to secure major air rights and create roadways as tunnels. He stated he sees this as a dangerous precedent in that direction and until this design is cleared up these cases are really backward. He stated the Master Plan and LCP Amendment should be in position first. At that time it should be submitted to the Commissioners to make technical adjustments. He stated this process was manipulating the Board of Supervisors and is being used to try and make a policy statement to give up air rights to waterways and is confused by it.

Chairman Searcy stated Commissioner Landini pointed out something interesting, which is the process. That if you go before the California Coastal Commission without some level and degree of specificity and plans you would be sent back. On the other hand you can't go before some of these processes without some level of detail and this is subject to the Coastal approval and the LCP Amendment. He stated it does give him some pause because it is a process issue. Someone has got to start the process. It does give an error of confusion. There is a lot of LCP Amendments that need to happen. The fact that the Local Coastal Commission meets or does not meet, putting us off, and going back and forth doesn't help either.

Mr. Wisniewski asked Commissioner Landini to explain what part of the process is unclear. He stated you can disagree with the process, but the Department has outlined the process innumerable times to this Commission. He commented that it is clear and would explain it economically why it has to be done this way. He stated no developer is going to proceed with a project through the very expensive entitlement process without knowing that it is going to work economically. He stated it is inappropriate and regrets that the Commission has initiated, discussed or implied that there is a manipulation going on in this process.

Commissioner Lesser commented that he respects his opinion and totally disagrees with it. No developer in his right mind will take the next step or any step without some guarantees. The developer who is doing this is taking huge risks, spending money like crazy and may be rejected anywhere along the process by the Design Control Board, California Coastal Commission, Board of Supervisors or the Regional Planning Commission.

Commissioner Delgado stated regarding the comment made pertaining to the Design Control Board assumed it was not in our purview.

Commissioner Landini stated the problem is that we are supposed to be looking at the technicality of the lease, rate of return and terms of the lease. But what the Commission has become is the voice of the first level of approval for the project. He commented that there is no approval or concept emanated by anyone and does not like that role. He stated the only vote he would do to stop that is to vote against the lease to build out over the air rights of the channels and that's why it is the technicality of the lease. It is not our role to say it's ok to take these air rights.

Chairman Searcy moved to approve Option for Lease to Facilitate Redevelopment – Parcels 52R & GG (Boat Central) – Marina del Rey. Commissioner Lesser, Lin and Delgado second a motion. Commissioner Landini disapproved the motion. The motion was not passed.

6. STAFF REPORTS

a. Ongoing Activities

The Ongoing Activities Report was submitted and discussed at the meeting.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Nancy Marino commented that Jack Hansworth is the new Coastal Commission staff member for MdR and located in Ventura. Al Padilla remains in the Long Beach office and Debra Lee is located in San Diego. She stated she appreciated Commissioner Landini's comments and was glad he reflected the voice of the community. She stated the review of the County's Implementation of the LCP is needed before more projects go forward. The County of Los Angeles and Beaches and Harbors met with the Coastal Commission and composed a final letter in July 2006. The County was attempting to negotiate language changes in the final report to be more advantageous to the County. The Coastal Commission has one year after the final report is published to negotiate to comply or not. She stated there is unnecessary delay with the entire process and this is leading to ill-advised development in MdR. She commented that a public review is needed and if there is a Master Plan the Asset Management Strategy is not a part of the LCP. The LCP is what should govern because there are so many exceptions that become the rule and there are too many Amendments being asked for. She stated she does not think it is in the long-term interest financially, socially or any other way for MdR to do it in this manner. She urged the Commissioners to give consideration to Commissioner Landini's comments in looking forward and advocating the Board of Supervisors to establish some sort of public review. She stated MdR is a community, a Master Plan is needed and to look at all the elements, which should be done to find the balance before going along with this project, this is not the way to do things.

Ms. Carla Andrus agreed with Ms. Marino's statement, but added that this process is dysfunctional and abusive. She stated this process has been done several times and that the LCP should be received first. She stated the Core of Engineers laid out this Marina and did it in a brilliant way. We should honor the land use plan we have before it is totally demolished. If developers want to be assured about their investments a meeting should be held with the Coastal Commission and public. She stated this is a public resource and it belongs to the people of the County of Los Angeles and it should be discussed with the voters whether or not the people want revenue or a valuable resource from developers. The voters have already stated what they want and the County gets a failing grade in the way revenue is handled.

b. PUBLIC REQUEST FOR INFORMATION**Small Craft Harbor Commission Mission Statement**

Mr. Wisniewski stated at the February 14, 2007 meeting the public requested a copy of the Small Craft Harbor Mission Statement. He said there is no Mission Statement, but included County Code Section 2.116.100, which relates to the Power's and Duties of the Commission.

Parcel 20 (Capri Apartments) Covenant for Affordable Housing

Mr. Wisniewski stated that the Capri Apartments have been fully executed and will be recorded in the near future.

The Public Request for Information was submitted and discussed at the meeting.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Mary Ann Weaver stated in November 2006, tenants who participate in the Low-Income Senior Housing Program at Capri Apartments received a notice reflecting a rent increase of 6% effective January 7, 2007. She stated she contacted Mr. Blair Babcock of the Community Development Commission to discuss this information. Mr. Babcock advised her that the developer was refusing to sign the Covenant and informed her of what the rents should be and how they are calculated. He also stated he had informed the developer of this information by

telephone and followed up with a certified letter. However, he did not receive a response from the developer and that he was totally ignoring the information he was given. She stated Mr. Babcock suggested she file a complaint with Consumer Affairs. Ms. Weaver stated she informed him that she would also file a complaint with the Department of Fair Housing. She stated she spoke with the Director of the Department of Fair Housing who informed her that because the developer did not adhere to the County's request and abide by the laws of this state was considered to be fraud, which is criminal and should resolve in some type of consequences. She stated the Director also stated that low-income housing should have no charges for parking, which tenants are paying \$75 per month. He stated it was unheard of and it was illogical. She stated Mr. Babcock also agreed that tenants should not be paying for parking and was in the process of getting it eliminated.

Ms. Weaver stated she again spoke with Mr. Babcock on March 13, 2007 and submitted her with the correct amounts for rents. She stated due to the fact that the developer took his time to produce this information, the tenants are asking that the rents be corrected immediately starting the April 1, 2007. The tenants asked to be reimbursed by the developer with interest for overpaid rents and parking charges and that it be eliminated immediately. She stated the Covenant should have been put in place over one year ago before tenants occupied the apartments. Because this was not done the tenants feel that the developer took advantage of them and were put through unnecessary changes.

Mr. Faughnan stated he was not aware of this situation and that the Community Development Commission handles enforcement matters relating to Affordable Housing. He stated he does not advise them, but would contact Mr. Babcock to discuss this further. He does not know if there are any restrictions relating to parking fees related to Affordable Housing, but rents are set.

Chairman Searcy stated to Mr. Faughnan that the Commission would like a report pertaining to the discussion he has with Mr. Babcock.

Ms. Nancy Marino read the SCHC Statement, Section 2.116.100 – Powers and duties. She stated the Small Craft Harbor and recreation should be planned, financed and developed, but development should not be constructed. She stated the Asset Management Strategy is not part of the LCP, it does state that it is the County's responsibility to maximize the revenue potential for MdR Parcels. However, this is not what the LCP says. The LCP charges the County with maximizing the revenue potential from recreational uses on those Parcels. She said she feels this is a significant difference and the fact that the Asset Management Strategy is not a certified part of the LCP and has not gone through the appropriate public review process makes it outside the documents, which ought to govern MdR Redevelopment. She asked the Commission to support a public review process that includes Lessees, Board of Supervisors and County Officials. She stated the public believes outside the governing standards for this community, which is the LCP that the development is not in compliance with this program. She asked the Commission to support the public call for a public review of this Master Plan.

Ms. Carla Andrus stated that after several meetings Mr. Gardner decided to open the doors to Senior Citizens, but would not sign the Covenant. She stated that Mr. Gardner possibly had reasons for not signing the Covenant and would like to know why. She stated the Affordable Housing Policy so far is a disaster and is worse now than before.

Ms. Helen Garrett commented that the Commissioners are starting a process by permitting the Dockmaster of Panay Way to submit in writing documentation regarding Mr. Cardona, but Mr. Cardona and the public will only be given three minutes to respond and wants this changed. She stated if rents are calculated incorrectly it is done on purpose and the Commission has the ability as the tenant's landlord to make recommendations and expects them to do that.

7. COMMUNICATION FROM THE PUBLIC

Mr. John Rizzo commented that the County receives \$33 million, which is spent in the Marina for Police and Dredging. He stated he called to get the land value 10-15 years ago and it was priced at \$10-15 per sq ft. and the open land was being sold between \$80 and \$240 per sq ft. He commented that it was incorrect when the County stated they receive 10-15% of the rents and has material on this issue. He stated that the policy is being changed because someone has been observing the Marina and sees how badly it is being run since their lawsuit.

Mr. Jun Yang a representative of POWER stated it was very disrespectful for Mr. Gardner and his associate (Mr. Horia Ispas, Dockmaster) to be late, answering the cell phone during the meeting and being unprepared. He stated Mr. Gardner said there have been no violations and that Mr. Cardona is a member of another harbor when in fact he was evicted.

Ms. Mary Ann Weaver informed the Commission that in September 2006 Paramount Studios filmed an episode at Capri Apartments, which inconvenienced the tenants. It began at 7:00 am – 10:30 pm. During that time tenants were not allowed to use the lobby for entrance or exit and the elevators were always occupied with equipment and staff. She stated some of the cars belonging to tenants were towed, because Paramount wanted to use those parking spaces. She stated compensation was to be paid to the tenants for the inconvenience as well as the landlords for the use of the dwelling. Days later a meeting was held by the tenants at that time found out that a tenant who was away on vacation car was towed (high end Mercedes Benz). The alarm system continued to sound, which ruined the battery and his car. From this the owner had to pay approximately \$2000 to have the car serviced. The tenants contacted the developer's corporate office to seek compensation and were told there was no compensation to be given. Ms. Weaver phoned the developer and asked if they were paid and was told that they were paid, but not for the tenants. She stated two tenants (former FBI Agent and Lawyer) decided to call Paramount and was informed that the developer paid \$200 for each tenant with the assumption that each unit was occupied, which would be 99 units. That would be a total of \$19,800, which the developer would have pocketed, which did not belong to him.

Mr. William Vsrezk stated he wanted a copy of the Marina Charter, evictions without cause are going to happen and tenants will start receiving their six months notices. Many tenants will not be given any option and doesn't know why they can't receive the same legal rights as someone squatting on land. He stated it is gross and injustice for people to be denied their civil rights. A legal liveaboard should have the same rights as a renter and shouldn't be able to be evicted without cause, compensation or relocation.

Chairman Searcy and Mr. Wisniewski stated they were not aware of any document called the Marina Charter. Mr. Faughnan stated he also was not aware of this document, but he could make a public request to the Department.

Mr. Wisniewski stated there was a Congressional Resolution, but there is no Charter.

Mr. Vsrezk apologized and stated maybe that is what he is looking for.

Mr. Wisniewski informed him to contact Mr. Gary Brockman to receive a copy.

Ms. Nancy Marino read Section 2.116.00 (B and D) from the Small Craft Harbor Mission Statement of Powers and Duties and said it seems that it is within the purview of this Board to make recommendations regarding items such as compensation for disruption to quiet enjoyment and feels that the Commission can make recommendations to moving allowances in terms of rent abatement or displaced tenants. She commented that a process, which consistently ignores or abrogates its existing agreements, frustrates the public and the LCP is one such agreement. She stated in this peace meal process so many exceptions have been

allowed that have become more of the rule than the exception and this is where one of the tenants frustrations lies. She included that conditions of development and other agreements that are systematically ignored with regard to the Capri Covenant that was a condition of approval for the Coastal Development permit and yet it took countless hours, legal fees and time of many members of the public simply to get it enforced and this is not right. Mitigation schedules are not included in the final conditions of Coastal Development Permits and it is up to the public to notice any inconsistencies in the final EIR. It should not be on the public to make compliance necessary it should be voluntary. If they are going to get these projects approved on these conditions they should willingly and in a timely manner move to meet those conditions.

Ms. Helen Garrett commented on the eviction of Mr. Rueben Cardona. She asked when Goldrich and Kest submits in writing their complaints against Mr. Cardona that this information be available to the public, POWER and Mr. Cardona and available at the next meeting. She stated she would provide the address of Mr. Cardona.

Chairman Searcy replied that this information would be available. Mr. Wisniewski commented that the Department would follow a normal process and when his information is provided the Department would ensure that he is notified.

Commissioner Lesser commented that a landlord could evict Mr. Cardona for any reason and was not any business of the Commissioners. He stated that the Commissioners don't like the concept of people being evicted without cause and have spent a lot of time and effort trying to resolve this issue. But it seems that the people have hostility towards them for trying.

Ms. Carla Andrus stated she would like to know if negotiations were given to Mr. Gardner, why he decided to sign the Covenant and that a report should be submitted. She commented that she would like the Asset Management Strategy reviewed.

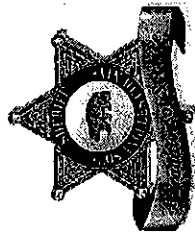
Chairman Searcy and Mr. Wisniewski agreed.

ADJOURNMENT

Chairman Searcy adjourned the meeting at 12:03 p.m.

Respectfully submitted by:
Donna Samuels, Commission Secretary

Taped meetings can be purchased directly after all meetings.



**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES-MARCH 2007**



	West Marina 2760	East Marina 2761	Lost R.D. 2762	Marina Water 2763	Upper Ladera 2764	County Area 2765	Lower Ladera 2766	Windsor Hills 2767	View Park 2768	TOTALS
Homicide										
Rape										
Robbery: Weapon	1	1					2			4
Robbery: Strong-Arm					1			1		2
Aggravated Assault	1					1	1	2		5
Burglary: Residence	1				3		5	2	1	12
Burglary: Other Structure						3	1	2		6
Grand Theft	9	2		1	2		1		2	17
Grand Theft Auto	3	1		1	2		1	1	2	11
Arson						1				1
Boat Theft		1								1
Vehicle Burglary	5	2			1		1	2	1	12
Boat Burglary										
Petty Theft	5	3				1		2	1	12
REPORTING DISTRICTS TOTALS	25	10	0	2	9	6	12	12	7	83

Note- The above numbers may change due to late reports and adjustments to previously reported crimes.

Source- LARCIS, Date Prepared -- APRIL 2, 2007
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES-MARCH 2007



	MARINA AREA (RD'S 2760- 2763)	EAST END (RD'S 2764- 2768)
Part I Crimes		
Homicide	0	0
Rape	0	0
Robbery: Weapon	2	2
Robbery: Strong-Arm	0	2
Aggravated Assault	1	4
Burglary: Residence	1	11
Burglary: Other Structure	0	6
Grand Theft	12	5
Grand Theft Auto	5	6
Arson	0	1
Boat Theft	1	0
Vehicle Burglary	7	5
Boat Burglary	0	0
Petty Theft	8	4
Total	37	46

Note- The above numbers may change due to late reports and adjustments to previously reported crimes.

Source- LARCIS, Date Prepared -APRIL 2, 2007
CRIME INFORMATION REPORT - OPTION B

MARINA DEL REY HARBOR ORDINANCE SEAWORTHY & LIVEABOARD COMPLIANCE REPORT

	Febuary	March
Liveaboard Permits Issued (NEW)	4	6
(RENEW)	<u>11</u>	<u>4</u>
Total	15	10
Notices to Comply Issued	0	18

	<u>Last Meeting</u>	<u>Present</u>
Total Reported Liveaboards:	341	332
Total Current Liveaboard Permits Issued:	178	175
Total expired permits:	31	28
Total Reported Liveaboards without permits:	132	124

Total reported vessels docked in Marina del Rey Harbor: 4,416

Percentage of vessels that are registered liveaboards: 7.5%

No new citations were issued for violations of 19.12.1110 L.A.C.C. (liveaboard permit) or 19.12.1060 L.A.C.C. (un-seaworthy vessel) in the month of October.

Number Of Impounded Vessels Demolished

To date, two hundred twenty-two (222) vessels have been removed from the marina for disposal, seventeen (17) of those in 2007. Currently, eight (8) vessels are ready for disposal and four (4) are awaiting lien sale procedures.



To enrich lives through effective and caring service

April 5, 2007



TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director *Stan*

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

SUBJECT: **ITEM 3b - MARINA DEL REY AND BEACH SPECIAL EVENTS**

MARINA DEL REY EVENTS

MARINA DEL REY OUTDOOR ADVENTURES

Sponsored by the Los Angeles County Department of Beaches and Harbors
Burton Chace Park ♦ 13650 Mindanao Way ♦ Marina del Rey ♦ CA ♦ 90292

Bird Watching Experience Program

Thursdays, April 26 and June 28, at 9:00 am

Thursday, May 24, at 4:00 pm

County-sponsored bird watching walk for adults is a free two-hour walk, which will take place at various sites in the Ballona Wetlands. Meeting will take place at the Burton Chace Park Community Room. Participation, parking and transportation to tour site are free. Pre-registration is a must!

Harbor Kayaking Program

Saturdays

April 21, May 26, June 16, July 28, August 25, September*, October 27 and November 10
11:30 am – 1:45 pm

*September date yet to be determined

Come and take a kayaking lesson in Marina del Rey harbor. This two-hour session begins with Los Angeles County Lifeguard instruction and water safety. The group will get the opportunity to enjoy Marina del Rey's basins. This is a great opportunity for families to have a fun and educational day in the Marina del Rey. Program requires pre-registration. Fees are \$25 (youths 10 – 18) and \$30 (19 or older). Fees must be paid upon registering.

Surf Kayaking Program

Saturdays

April 28, May 26, June 16, July 28, August 25, September*, October 27 and November 10
8:00 – 11:00 am

*September date yet to be determined

Los Angeles County Department of Beaches and Harbors is offering a Surf Kayaking Program. Participants will get the opportunity to kayak through Marina del Rey Harbor and

head out to the North Jetty, where they will surf the waves aboard sit-on-top kayaks. Los Angeles County Ocean Lifeguards will instruct the outing. Program requires pre-registration. Fees are \$25 (youths 10 – 18) and \$30 (19 or older). Fees must be paid upon registering.

For all Outdoor Adventures Programs call: Burton Chace Park at (310) 822-8530.

FISHERMAN'S VILLAGE WEEKEND CONCERTS

Sponsored by Pacific Ocean Management, LLC

All concerts from 2:00 – 5:00 pm

Saturday, April 7

Jimbo Ross & the Bodacious Blues Band, playing Jazz & Blues

Sunday, April 8

Bobby Griffin, playing Blues

Saturday, April 14

2 AZZ 1, playing Smooth Jazz

Sunday, April 15

Upstream, playing Caribbean Sounds

Saturday, April 21

Scott Martin Latin Soul Band, playing Latin & Soul

Sunday, April 22

Susie Hansen Latin Band, playing Hot Latin Jazz

Saturday, April 28

Chris "Hammer" Smith Band, playing Harmonica Jazz & Blues

Sunday, April 29

Son Candela, playing Latin Jazz

Saturday, May 5

X Town Traffic, playing Funk & Groove

Sunday, May 6

Jimbo Ross & the Bodacious Blues Band, playing Jazz & Blues

For more information call: Pacific Ocean Management at (310) 822-6866.

BEACH EVENTS

MANHATTAN BEACH PIER – 20th ANNUAL PIER-TO-PIER WALKATHON

City of Manhattan Beach to City of Hermosa Beach

Saturday, April 28

7:30 am

The 20th annual Pier-to-Pier Walkathon is a great way to spend your Saturday morning while raising money for prevention and treatment of child abuse. Participants collect donations from walking/running between the Manhattan Beach and Hermosa Beach piers. All proceeds benefit the Richstone Family Center and KTLA-TV Charities. Richstone is celebrating its 33rd year dedicated to the prevention and treatment of child abuse, strengthening families, and promoting non-violent resolution of conflicts within families, schools, and communities.

For information call: Chris Kitchens at (310) 970-1921 ext. 114 or visit the website www.richstone.com.

SANTA MONICA PIER
SUNDAY CONCERTS ON THE PIER

Every Sunday

2:00 – 4:00 pm

The Pier's Central Plaza warms up the spring season with free afternoon concerts every Sunday until Memorial Day weekend. Shows start at 2:00 pm and run until 4:00 pm. What a great way to spend a Sunday afternoon!

April 8

Sal Rodriguez & The Latin Kings Tramps
Latin-Style Rock

April 15

Teresa James & The Rhythm
Soulful Rhythm and Blues

For more information call: Santa Monica Pier Restoration Corporation at (310) 458-8900 or visit the website www.santamonikapier.org.

SW:ks



"To enrich lives through effective and caring service"



Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

April 5, 2007

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director *Stan*

SUBJECT: **Item 4a – PANAY WAY MARINA BOAT SLIP EVICTION
OF RUBEN CARDONA (continued from March 14, 2007)**

During the March 14, 2007 Small Craft Harbor Commission meeting, your Commission requested that Mr. Sherman Gardner and Dockmaster Horia Ispas attend the April 11, 2007 meeting to provide written documentation of Mr. Ruben Cardona's tenancy, including his violations of dock rules and the reasons he was not invited back to the marina upon construction completion. Attached are copies of the letters sent requesting their attendance.

Messrs. Gardner and Ispas will be at your April 11 meeting to discuss this matter.

SW:ks
Attachments



To enrich lives through effective and caring service



Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

April 3, 2007

Panay Way Marina
13953 Panay Way
Marina del Rey, CA 90292

Sent Via Fax & U.S. Mail

Attn: Mr. Sherman Gardner
Mr. Horia Ispas, Dockmaster

Dear Mssrs. Gardner and Ispa:

I would like to thank you for your attendance at the March 14, 2007, Small Craft Harbor Commission meeting to discuss the issues surrounding the eviction of Mr. Ruben Cardona. As you may recall, the Commission asked that you return with written documentation regarding his tenancy at the next meeting.

Therefore, this is to inform you that the next regularly scheduled Small Craft Harbor Commission meeting will take place on April 11, 2007, starting at 9:30 a.m., at Burton Chace Park. You are cordially invited to join us at the meeting and to share with the Commission information relating to Mr. Cardona's former tenancy at your leasehold. We look forward to seeing you at the meeting.

Very truly yours,

STAN WISNIEWSKI, DIRECTOR

Paul Wong, Chief
Asset Management Division

SW:PW:ds



"To enrich lives through effective and caring service"



Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

March 22, 2007

Mr. Rueben Cardona
578 Washington Boulevard #525
Marina del Rey, CA 90292

Dear Mr. Cardona,

At the Small Craft Harbor Commission meeting on March 14, 2007 there was a discussion as to your eviction from Panay Way Marina Harbor. The lessee attended this meeting and was asked to return at the next meeting with written documentation pertaining to your eviction.

During the meeting your advocates indicated you would be interested in attending the next meeting to understand why you have not been invited back to the anchorage and they provided us with your address afterward. Therefore, this is to inform you that the next regularly scheduled Small Craft Harbor Commission meeting will be held on April 11, 2007, at 9:30 a.m. at Burton Chace Park in Marina del Rey.

Sincerely,

STAN WISNIEWSKI, DIRECTOR

Paul Wong, Chief
Asset Management Division
Department of Beaches and Harbors

SW:PW:ds



To enrich lives through effective and caring service



Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

April 5, 2007

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director *Stan*

SUBJECT: **Item 4b – LIVE-ABOARD BILL OF RIGHTS REVIEW BY
COUNTY COUNSEL (continued from March 14, 2007)**

Attached is a memo received from Thomas J. Faughnan, Principal Deputy County Counsel, with respect to his review of the document entitled "Live-Aboard Bill of Rights" presented to your Commission by a representative of People Organized for Westside Renewal ("POWER") at your February 14, 2007 meeting. Although this item was on your Commission's March 14, 2007 agenda, Mr. Jun Yang, POWER's representative, requested that the matter be continued to the April 11, 2007 meeting, which the Chair allowed.

Mr. Faughnan will be present at your Commission meeting to answer any questions you might have.

SW:ks



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL


648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.
County Counsel

March 8, 2007

TELEPHONE
(213) 974-1853
FACSIMILE
(213) 687-7337
TDD
(213) 633-0901

TO: SMALL CRAFT HARBOR COMMISSION

FROM: THOMAS J. FAUGHNAN 
Principal Deputy County Counsel
Property Division

RE: Review of "Live-Aboard Bill of Rights"

At your February 14, 2007, meeting a representative of People Organized for Westside Renewal ("POWER") presented your Commission with a document entitled "Live-Aboard Bill of Rights," which is attached hereto. You have asked our office to review this document. This memorandum will discuss the points raised by POWER in the context of the existing laws and contractual provisions relevant to those points.

1. Background.

The document presented at the February 14, 2007, meeting is essentially the same document previously circulated by POWER at prior Commission meetings. The only changes to the document are: (1) insertion of the title "Live-Aboard Bill of Rights"; and (2) insertion of "and small boaters" after "live-aboard residents" in the first sentence of the second paragraph. POWER has not made any substantive changes to their request despite the numerous public discussions at the Commission regarding these matters and my own discussions with their counsel on the development of a concrete proposal for the County's consideration.

The document addresses three areas of concern: (1) Leases; (2) Evictions; and (3) Fees. The document does not address how the County is expected to implement the proposals set forth or the legal basis for the County proceeding in a particular manner.

2. The "Live-Aboard Bill of Rights".

A. Leases.

POWER first demands that the County ensure "that all live-aboard residents in Marina del Rey have the option to sign 'Live-Aboard Leases' with a term of one year." The County's ground leases in Marina del Rey do not permit the lessees to enter into subleases for boat slips or apartments for more than one year without the approval of the County. The lessees may enter into boat slip or apartment subleases of one year or less without approval by the County. The newer amended and restated leases require County approval of the form of sublease used by the lessee.

Under State law, there is no requirement that a lease of real property or residential real property be for one year. Pursuant to Civil Code section 1943, the leasing of real property is presumed to be a month-to-month tenancy unless otherwise designated in writing. Pursuant to Civil Code section 1944, the hiring of lodgings or a dwelling-house for an unspecified term is presumed to have been made for such length of time as the parties adopt for the estimation of the rent, and in the absence of any agreement respecting the length of time or the rent, the hiring is presumed to be monthly.¹

Civil Code section 800, *et seq.*, the Floating Home Residency Law, provides certain protections for owners of floating homes, including a requirement that floating home owners be offered the option of a rental agreement for a term of twelve months, a longer or lesser period as mutually agreed upon by the homeowner and management, or a longer period necessary to secure financing. See, Cal. Civ. Code § 800.23. As we previously advised in our memorandum of July 5, 2006, the Floating Home Residency Law has no application at this time in Marina del Rey because of how the statutes define a "floating home" and "floating home marina".

¹As we advised in our memorandum of July 5, 2006, it is unlikely that liveaboard subleases would be treated as residential subleases under State law. In this memorandum we will include statutes applicable to the leasing of residential and non-residential real property, as well as other related statutes, such as the Floating Home Residency Law, solely for purposes of comparison of the rights and obligations governing various types of leases. By doing so, however, we are not opining on the applicability of these statutes to liveaboards or boat slips in Marina del Rey unless expressly stated otherwise.

Based on the above, the County's ground lease provisions regarding residential apartment and boat slip subleases are consistent with State law on the subject of the allowable term of the subleases.

B. Evictions.

(1) Unlawful Detainer.

POWER demands that the County limit "the grounds for Live-Aboard evictions to those grounds consistent with landside rental agreements and leases" and references Code of Civil Procedure section 1161(2) - (4), presumably as constituting those grounds. Code of Civil Procedure section 1161 is the unlawful detainer statute.

Code of Civil Procedure section 1161 affords landlords an expeditious and summary procedure for regaining possession of real property wrongfully withheld by a tenant under certain circumstances. It is not intended as a limitation of the grounds for which a landlord may evict a tenant. POWER suggests that three of the five bases for unlawful detainer (subsections 2 through 4 of section 1161, set forth below) be the only grounds under which a lessee in Marina del Rey can evict a liveaboard. The grounds cited are some, but not all, of the grounds for eviction set forth in the County's 1978 liveaboard eviction ordinance, which was repealed after a successful legal challenge. The liveaboard eviction ordinance was discussed in our memorandums to your Commission dated June 5, 2006 and July 5, 2006.

Code of Civil Procedure section 1161 provides that a tenant of real property is guilty of unlawful detainer: (1) when the tenant continues in possession of the property after the expiration of the term, provided the expiration is of a non-default nature, without the permission of the landlord; (2) when the tenant continues in possession without the permission of the landlord after default in payment of rent pursuant to the lease agreement and three day's written notice to pay or quit; (3) when the tenant continues in possession after a neglect or failure to perform other conditions or covenants of the lease and three day's written notice to perform or quit; (4) when the tenant terminates the lease after assigning or subletting or committing waste upon the premises or permitting the maintenance or commission of a nuisance or using the premises for an unlawful purpose; or (5) when the tenant terminates the lease but fails to deliver possession at the time specified, without the permission of the landlord.

POWER's demand would not make the grounds for liveaboard evictions "consistent" with landside rental agreements and leases, as the unlawful

detainer statute provides a remedy for landlords, not a limitation on the grounds for eviction. Landside evictions are not limited to the grounds in the unlawful detainer statute, only the use of the summary procedure of unlawful detainer is limited to the grounds stated in the statute. As we previously advised in our memorandum of July 5, 2006, the courts have upheld the use of the unlawful detainer statute for evictions of boaters from boat slips. See, Smith v. Municipal Court, 202 Cal.App.3d 685, 245 Cal.Rptr. 300 (1988); see also, Derfus v. Far West Villa Del Mar, LTD, et al., 471 F. Supp. 1082 (C.D.C.A. 1979). Thus, the remedy is available to landlords of both landside and waterside leases.

(2) Eviction Based on Vessel Condition.

POWER demands that the County eliminate "discriminatory eviction practices based on boat age, length, or material of construction." Any discussion regarding evictions of vessels based on their condition needs to take into consideration the County's legitimate concerns regarding pollution control and facilities damage caused by unseaworthy vessels.

As we previously advised in our memorandum of July 5, 2006, liveaboards must comply with County Code §19.12.1110, which prohibits a person from using a vessel as an abode in excess of three days within any one-week period, unless authorized by the lessee and issued a liveaboard permit by the Harbor Master. A permit will only be issued upon compliance with the following: (1) compliance with the requirements of seaworthiness as described in County Code § 19.12.1060; and (2) installation of a federally approved marine sanitation device or self-contained portable toilet approved by the Harbor Master. Liveaboard permits are valid for a period of one year.

County Code § 19.12.1060 provides that "no person shall secure or permit to be anchored or moored in a county harbor, waterway or maritime facility a vessel of any kind whatsoever which is unseaworthy or in a badly deteriorated condition, or which is likely to sink or to damage docks, wharves, floats and/or other vessels, or which may become a hazard to navigation."

The County's newer amended and restated leases now also require that the lessee ensure that vessels meet the seaworthiness requirements of the County Code as a condition of the initial renting and continued tenancy of boat slips.

(3) Substitute Slips and Rights of First Refusal.

POWER demands that the County ensure "that leaseholders provide substitute slips to those displaced for the purpose of rebuilding docks or any other maintenance" and that "Live-Aboards are offered 'First Right of Refusal' upon completion of the rebuilding process or other maintenance."

The provision of substitute slips may be difficult to impose if the lessee does not have sufficient vacant slips available under the lessee's own control. Rights of first refusal may be difficult to impose given the fact that typically there is no one-for-one and like-for-like replacement of slips. Many of the dock replacement/refurbishment projects result in fewer slips due to the need for compliance with more stringent building codes, including Americans with Disabilities Act requirements, and reconfiguration of the mix of slip sizes to accommodate boater trends.

(4) Mediation Committee.

POWER demands that the County ensure that "the Marina del Rey Mediation Committee has adequate Live-Aboard representation" and that the Mediation Committee will be responsible for hearing all eviction appeals. As has been previously discussed at the Commission, the mediation services of the County's Department of Consumer Affairs are now available to apartment and boat slip tenants with landlord-tenant disputes.

C. Fees.

POWER demands that the County ensure that: (1) liveboard fees are equal to or less than 55% of boat slip fees; (2) electricity and water fees are not added to liveboard fees, unless used in lieu of liveboard fees and consistent with landside fees; and (3) that liveboards receive documentation of amenities that justify liveboard fees.

The County retains ultimate control of prices charged in Marina del Rey through the "Controlled Prices" provision of the ground leases. The "Controlled Prices" provision provides that:

Lessee shall at all times maintain a complete list or schedule of the prices charged for all goods or services, or combinations thereof, supplied to the public on or from the premises hereby demised, whether the same are supplied by Lessee or by its

sublessees, assignees, concessionaires, permittees or licensees.

Said prices shall be fair and reasonable, based upon the following two (2) considerations:

First, that the property herein demised is intended to serve a public use and to provide needed facilities to the public at fair and reasonable cost; second, that Lessee is entitled to a fair and reasonable return upon his investment pursuant to this lease.

In the event that Director notifies Lessee that any of said prices are not fair and reasonable, lessee shall have the right to confer with Director and to justify said prices. If, after reasonable conference and consultation, Director shall determine that any of said prices are not fair and reasonable, the same shall be modified by Lessee or its sublessees, assignees, concessionaires, permittees or licensees, as directed.

In addition, Policy Statement No. 27, regarding the enforcement of the Controlled Prices provision, sets forth review procedures for boat slip, apartment and liveaboard rate increases. The County will consider the following elements when reviewing liveaboard rates: (1) the guideline for liveaboard surcharges is 50 to 55 percent of base slip rent rate; and (2) liveaboard rates in comparable areas.

As the Department has previously advised, tenants who believe they have been subject to unreasonable rent increases should bring the matter to the attention of the Department for investigation.

TJF:ss
Attachment

c: Stan Wisniewski,
Director of Beaches and Harbors

POWER

PEOPLE ORGANIZED FOR WESTSIDE RENEWAL

235 Hill Street, Santa Monica, CA 90405

(310) 392-9700 (310) 392-9765 FAX

www.power-la.org

Live-Aboard Bill of Rights

People Organized for Westside Renewal (POWER) and its community leaders seek to work with Los Angeles County Department of Beaches & Harbors, Small Craft Harbor Commission, Board of Supervisors and the California Coastal Commission to address the growing problems facing live-aboard residents in Marina del Rey. Live-aboard slips serve as one of the few remaining affordable places for people to live in the Marina. Furthermore, live-aboards have been an essential part of the Marina community since its inception and have provided a sense of security on their docks.

Over the past several years, live-aboard residents and small boaters have come under fire from dock masters who employ intimidation tactics to force live-aboards out of the Marina. Dock masters have raised rents, issued evictions, and limited live-aboards to monthly leases. The result has been a sense of anxiety among Marina del Rey live-aboards. Live-aboards are outraged that their boat slip could be seized at any time, leaving them with no place to live.

To address these problems, live-aboards, boaters, and other concerned community members have proposed the following actions be taken by Los Angeles County.

1. Leases

- a. The County ensures that all live-aboard residents in Marina del Rey have the option to sign "Live-Aboard Leases" with a term of one year.

2. Evictions

- a. The County limits the grounds for Live-Aboard evictions to those grounds consistent with landside rental agreements and leases (see California Code of Civil Procedure Sections 1161(2)-(4)). Also:
 - i. The County eliminates discriminatory eviction practices based on boat age, length, or material of construction.
 - ii. The County ensures that leaseholders provide substitute slips to those displaced for the purpose of rebuilding docks or any other maintenance. The County ensures that Live-Aboards are offered "First Right of Refusal" upon completion of the rebuilding process or other maintenance.
- b. The County ensures that the Marina del Rey Mediation Committee has adequate Live-Aboard representation. The Mediation Committee will be responsible for the initial hearing of all eviction appeals from Live-Aboards in Marina del Rey.

3. Fees

- a. The County ensures that Live-Aboard fees are equal to or less than 55% of normal boat slip fees.
- b. The County ensures that electricity and water meter fees are not added to Live-Aboard fees. However, electricity and water meter fees, if consistent with landside electricity and water meter fees, can be used in-lieu of Live-Aboard fees.
- c. The County ensures that Live-Aboards receive documentation of the amenities (such as toilets, showers, parking, and laundries) they receive that justify Live-Aboard fees.

We talk. We act. We get it done.

**MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD**

February 22, 2007

**Department of Beaches and Harbors
Burton Chace County Park
Community Building – 13650 Mindanao Way
Marina del Rey, CA 90292**

Members Present: Susan Cloke, Chair, First District
Peter Phinney, A.I.A., Fourth District
Tony Wong, P.E., Second District

Members Absent: David Abelar, Second District

Department Staff Present: Stan Wisniewski, Director
Charlotte Miyamoto, Chief, Planning Division
Chris Sellers, IT Technical Support Analyst
Maureen Sterling, Acting Secretary

County Staff Present: Tom Faughnan, Principal Deputy County Counsel
Russ Fricano, Department of Regional Planning

Guests Testifying: Henrik T. Gharajeh, ANI Sign Design
Michael Morrisette, General Manager, Café del Rey
Charles Balber, Cruz-Balber Architects
Jill Peterson, Pacific Ocean Management
Steven Cho, Marina del Rey Outrigger Canoe Club
Kuan Tran, Beyond Beauty Supply
Greg Dallal, Caruso Affiliated
Nancy Vernon Marino, Marina del Rey Resident
Carla Andrus, Marina del Rey Resident
Jeannette Boller, Venice Resident
Dorothy Franklin, Marina del Rey Resident
Nicholas Coster, Challenges Foundation
Judie Miller, Marina del Rey Resident
Roslyn Walker, Marina del Rey Resident

1. **Call to Order, Action on Absences and Pledge of Allegiance**

Ms. Cloke called the meeting to order at 7:05 p.m. Mr. Wong led the Pledge of Allegiance. Ms. Cloke (Phinney) moved to excuse Mr. Abelar from the meeting.

2. **Approval of Minutes**

Public Comment.

Ms. Marino objected to the draft January Minutes. She wanted the record to show that at the beginning of the P-19 workshop, clarification was sought about the speaker chits being for speaking only about the workshop, and public comment at the end of the meeting would be a separate item. She also felt the Minutes inaccurately reflected the circumstances surrounding the change in public speaking time to one minute and the decision to adjourn the meeting at 9:30. Ms. Marino asked for a more accurate reflection of these items in the January Minutes. She also asked why the comments she submitted to the Board after the January meeting were not reflected in the January Minutes.

Ms. Cloke asked what corrections Ms. Marino would like made.

Ms. Marino asked that her submitted comments be carefully read and considered and entered into the record.

Ms. Cloke asked if Ms. Marino had any more comments on the Minutes.

Ms. Marino said she would like the Minutes to show that the meeting was adjourned without one word of acknowledgement or discussion on any of the major issues that were brought up in the public comment period. She also complained that the current Agenda did not show as Old Business any of the issues that the public spoke about last month, and she requested that February Agenda be re-ordered so that public comment could come sooner in it.

Ms. Cloke said that the Board does not do verbatim transcripts anymore, and asked Mr. Faughnan for direction.

Mr. Faughnan said the Minutes are approved by the Board and therefore should be in the form determined by the Board. He said they were not intended to be a verbatim, regurgitation of the meeting; rather they were intended to contain the essential elements of it. He further stated that it was the Board's prerogative to decide whether or not something should be contained in or attached to the Minutes, but that it would be unusual to attach correspondence received after the meeting to the Minutes.

Mr. Faughnan said that if the Board had some question as to the accuracy of something contained in the Minutes, it would be appropriate for the Board to have Staff review the tapes for clarification.

Ms. Cloke stated she wasn't suggesting attaching Ms. Marino's submission to the Minutes, she was suggesting that it be included in the DCB files that are kept by the Department.

Mr. Faughnan said that would be fine and entirely appropriate.

Ms. Cloke said that when she read the minutes they seemed to conform to her recollection of what was said. She then offered Ms. Marino the choice to either have her submitted e-mail document included the Departmental DCB files, or submit another letter to be included in the files.

Ms. Cloke asked the other Board members if they would like to approve the January Minutes or continue them until the sections in question could be verified from the tapes.

Mr. Phinney thought that it would probably be prudent to continue the Minutes until Ms. Marino's concerns could be clarified from the tapes.

Mr. Phinney then apologized to Ms. Marino for not distributing the document she gave him at the last meeting to the other Board members. He said that it was a misunderstanding and that he was not aware that he was to redistribute it. He then said to give any future such submissions to Staff, not the Board members, for proper copying and distribution.

Ms. Cloke (Phinney) moved to continue the approval of the draft January Minutes to the next meeting, so that they could be clarified using the original meeting tapes.

Mr. Wong objected.

Ms. Cloke said she herself was uncertain about the continuance, but felt it was important that Ms. Marino's and anybody else's comments be reflected accurately in the Minutes.

Mr. Cloke (Phinney) moved to continue the minutes of January until the next meeting. [Unanimous consent]

3. Design Control Board Reviews

None

4. Old Business

A. Parcels 97 — Beyond Beauty Supply — DCB #06-023

Further consideration of signage.

Ms. Miyamoto gave a brief overview of the project.

Mr. Tran described both signs and asked the Board to please consider approving Option 1, as Option 2 was actually smaller than neighboring tenants' signage.

Ms. Cloke asked Mr. Tran if his business also had a blade sign.

Ms. Peterson replied that a blade sign was already approved and in place.

Public Comments

Ms. Marino felt that as long as the proposed sign conformed to all the regulations, it should be left to the creative and business savvy of the business owner. She recommended that the Board approved the applicant's signage preference without any further delay.

Board Comments

Mr. Phinney asked Staff why they recommended option two.

Ms. Miyamoto explained the recommendation was based upon comments about the signage made by the Board at the previous meeting.

Mr. Phinney replied that the building was problematic and that the name of the store is lengthy. He said Option 1 was probably a clearer depiction and very much what he envisioned when talking about the signage last month.

Mr. Wong stated he had no problem supporting Option 1.

Ms. Cloke (Wong) moved to approve DCB #06-023, Option 1. [Unanimous consent]

B. Parcel 131 – Café del Rey – DCB #06-019
Further consideration of signage.

The Café del Rey representative was late to the meeting and the item was subsequently heard after Item 5D.

5. New Business

A. Parcel 91 – Marina del Rey Outrigger Canoe Club – DCB #07-001
Consideration of a storage cabinet

Ms. Miyamoto gave a brief overview of the project.

Ms. Cloke asked if the two cabinets were flush in both directions.

Ms. Miyamoto replied yes.

Ms. Cloke commented she was surprised the proposed cabinet would require a coastal development permit.

Mr. Fricano said it was necessary because the cabinet was considered an accessory use structure.

Mr. Wisniewski advised Ms. Cloke that the Department of Regional Planning would issue the permit, and that the issue would only need to go before the Coastal Commission if someone appealed the decision to issue the permit.

Ms. Cloke asked Mr. Cho if he or the County would be moving the hose bib.

Mr. Cho responded the County was going to move the bib.

Ms. Cloke asked if the concrete hole was fixed.

Mr. Cho replied it was; the County had redone the asphalt.

Ms. Cloke suggested the County should also consider repainting the building.

Mr. Wisniewski replied that Staff would look at the building for possible repainting needs.

Public Comments

None

Board Comments

None

Ms. Cloke (Wong) moved to approve DCB #07-001, with direction to the County to maintain the area and support the work of the Marina del Rey Outrigger Canoe Club. [Unanimous consent]

B. Parcel 50 – Waterside Marina del Rey – DCB #07-002
Consideration of ATM installation

Ms. Miyamoto gave a brief overview of the project.

Mr. Dallal gave a brief presentation of proposed ATM, advising that it would protrude a bit further out than the previous ATM but have the same materials and awning.

Ms. Cloke asked how far the awning came out from the edge of the ATM.

Mr. Dallal replied approximately 18 inches.

Ms. Cloke replied that would not be enough room for a person to stand under in the rain.

Mr. Dallal replied that was true, but that it was concealing a light fixture that was tucked under the awning.

Ms. Cloke replied that it could come out farther and that it did not look protective enough.

Mr. Phinney inquired if they were planning to enclose the side of the awning.

Mr. Dallal replied that closing the awning would hide the light fixture.

Mr. Phinney replied he had concerns about lighting and that enclosing the side of the awning would not be a terrific idea. He was concerned that people using the ATM at night would want to feel they were well lit and would want to see what they were doing.

Mr. Dallal said there were state codes that required certain light levels and this did meet the code and that is the reason the light needed to come out further.

Ms. Cloke said there was more than one way to provide the correct lighting.

Mr. Dallal said it was the combination of the light above the ATM, the light next to it and the streetlight.

Ms. Cloke replied that there were other solutions.

Mr. Dallal said the light fixture itself was not the prettiest thing in the world, which was another reason for enclosing it.

Ms. Cloke replied there were other styles of fixtures that could be used.

Mr. Dallal replied that they did look at other fixtures.

Public Comments

None

Board Comments

Ms. Cloke said she would like the applicant to return and address the overhang of the awning and the lighting question when they do.

Mr. Phinney said he would like to see more awning space so people feel more protected. He had concerns about the size of the awning and suggested making a completely different awning and/or finding another style of light fixture.

Mr. Dallal asked that since there were two separate items in the submittal, if the ATM installation could be approved now, and then they would come back to the Board with the awning.

Ms. Cloke asked Mr. Faughnan if the Board could separate the items.

Mr. Faughnan replied yes.

Ms. Cloke (Phinney) moved to approve DCB #07-002 with the following conditions:

- 1) Only the installation of the ATM as depicted is approved at this time;**
- 2) Applicant is to return with revised awning and lighting details; and**
- 3) Applicant is to obtain further approval from the Department of Regional Planning.**

[Unanimous consent]

C. Parcel 50 –Waterside Marina del Rey – DCB #07-003
Consideration of ATM signage

Mr. Dallal requested and was granted a continuance.

D. Parcel 150 –Department of Beaches and Harbors – DCB #07-004
Consideration of an interim park plan

Mr. Wisniewski gave an overview of the project.

Pubic Comments

Ms. Walker suggested having public cement benches in the park.

Ms. Andrus asked Mr. Wisniewski about the proposed County Administration building on the site.

Mr. Wisniewski replied that at the last DCB meeting, Ms. Spitz suggested this location as a possible site for the Administration building. He said the County would

reassess, but that the site was most likely too small to support the Administration building and its parking structure.

Mr. Andrus asked if there was a possibility that the SR-90 Freeway may come in through the site.

Mr. Wisniewski replied no.

Ms. Cloke asked if the County was no longer considering using Parcel 19 for the new Administration building.

Mr. Wisniewski said Parcel 19 would remain as a "placeholder" while other site options were still being looked at.

Ms. Andrus asked where the other options were.

Mr. Wisniewski said he would be making a report to the Design Control Board in the future.

Ms. Andrus asked why the County didn't give a facelift to their present location.

Ms. Cloke asked Ms Andrus to e-mail or call Mr. Wisniewski regarding this at a later time, since the Board needs to keep the discussion to what is on the Agenda.

Ms. Franklin said she thought the previous tenant on the site was asked to leave because they were considering that location as a part of the SR-90 Freeway.

Mr. Wisniewski said that information was incorrect; that location is not being considered for the entrance of the freeway. He said the previous tenant was on a month-to-month carry over and the County felt it was best to tear it down and return it to something that was more open space oriented.

Ms. Franklin asked that the County not spend much of the taxpayers' money.

Mr. Wisniewski said the County is putting in the least maintenance-intensive landscaping possible.

Ms. Marino commented that Mr. Wisniewski did not address Ms. Franklin's comment about the existing tenant being told that she had to vacate. She also said it was her understanding that the draft EIR/EIS is being prepared to consider all three SR-90 alternatives.

Mr. Wisniewski said that is correct; it is just his opinion that a Bali Way SR-90 entrance is never going to happen.

Board Comments

Ms. Cloke applauded the idea of more open space and expanded view corridor from Lincoln to the Marina, but was concerned about the use of grass. She said the Board encourages developers to use native plants or sustainable plants that are not high water users, and she could not support doing something that was not a part of the environmental dialogue about sustainability, water quality and pollution. She felt the site would be a good location to have some public amenities, such as maybe bus shelters, benches or drinking fountains.

Mr. Phinney agreed with Ms. Cloke. He said the amount of turf and the water required would be problematic, but he also understands it's an interim solution. He asked why the County was leaving three parking spaces.

Mr. Wisniewski replied for the maintenance staff to use for their vehicles, as there is no on-street parking.

Ms. Cloke said the parking spaces could be made of turf block or decomposed granite instead. She suggested using materials that are more consistent with park development.

Mr. Wisniewski said the County was trying to keep the costs down, and does not have the money to invest in doing an architectural plan for this site.

Ms. Cloke said it was not a cost issue; it was a lack of imagination issue. She said she would not support a grass situation, so the County could continue it and hope to have three Board members who would support it at the next meeting.

Mr. Wisniewski agreed to continue it until the next or some future meeting.

Ms. Cloke said she hoped the County would look for alternatives; the County must have access to people who will do more than propose to just put in grass.

Mr. Wisniewski stated he had received resounding comments about how ugly the Parcel 51 site is, and every Lessee parcel that has been developed in the Marina has green grass. He precluding the County from using green grass didn't make sense, and that the county would return with other options, but they would have green in them.

Ms. Cloke said she has seen many beautiful examples, absolutely stunning examples of sustainable landscape.

Mr. Wisniewski said he would work with the Board, he just didn't want the site to end up looking like Parcel 51. He said the County would really appreciate any examples that Ms. Cloke could give.

Ms. Cloke (Phinney) moved to approve DCB #07-004 with respect to demolishing the existing building, but continued it to allow the County time to return with a sustainable planting palette. [Unanimous consent]

Mr. Phinney said he would like to reinforce what the Chair had said. He would like the County to come back very quickly because he thought there was a record in the not too distant past of leaving a hole in the ground for too long, letting it fill up with water and creating a whole other set of circumstances.

4B. Parcel 131 – Café del Rey – DCB #06-019 (continued)
Further consideration of signage.

Ms. Miyamoto gave a brief report that neither the Museum of Neon Art nor the Los Angeles Conservancy felt the existing wall sign had any historical or preservation value. She said Staff believes the applicant has met the conditions of approval and she recommended the applicant be allowed to continue with the installation of the new signage.

Public Comments

None.

Board Comments

Ms. Cloke thanked the applicant for exploring alternatives and asked the applicant if the sign has been photographed.

Mr. Morrisette replied yes.

Ms. Cloke asked Mr. Morrisette to give copies of the photographs to staff for their file.

Mr. Phinney asked Mr. Faughnan for clarification of the motion.

Mr. Phinney (Cloke) moved that the applicant had met the conditions of the original approval and could proceed with the project. The applicant is to provide Staff with photographic documentation of the existing wall signage. [Unanimous consent]

6. Staff Reports

All reports were received and filed.

Mr. Wisniewski said that the County had retained RRM Design Group to do the Urban Design Guidelines and at the next meeting the County would have a report.

Mr. Fricano announced that the Board of Supervisors would be holding a public hearing the following week for an Amendment to the Marina del Rey Local Coastal Program. The purpose of the Amendment would be to clarify the roles and responsibilities of the Design Control Board and the Regional Planning Commission in reviewing Coastal Development Permits.

7. Comments from the Public

Mr. Coster requested in a slip in the future Chace Park development and a possibility of using the pool and classroom, for use with disabled divers.

Mr. Wisniewski asked him to put his request in writing and submit it to the Department.

Ms. Marino asked if the Board was on Item #6B.

Ms. Cloke replied the Board was on Item #7.

Ms. Marino commented that the Board just blew by Staff Reports and Board does this a lot of the time. She said she had wanted to comment on Mr. Fricano's report. She said the report concerned LCP amendments to remove the Design Control Board's authority, and she wanted to have a discussion as to the Design Control Board's attitude toward these amendments. She said the Board of Supervisors is planning to sidetrack the DCB into an advisory capacity only, then simply fast track everything through Regional Planning. She also spoke about the need for a Master Plan for the community. She said the status report still just says "LCP amendments", when they don't have the LCP amendments.

Ms. Andrus said the public was interested in what became of the April 27, 2006 directives on that the Board gave the Department to scale back and/or consider different sites for five major multi-million dollar development projects and the parking problems they would create. She said it should have been on the Agenda and she would like to see it as Old Business on the March Agenda.

Ms. Andrus said the public had the right to be able to expect the DCB to follow through on its April 27, 2006 recommendations and directives. She said the DCB should be humiliated and humbled to be sitting in these chairs after its long-time service is to be neutered and relegated to a cosmetic board. She said she hoped the DCB members had the integrity of their convictions and the intestinal fortitude to stand firm on their past bold actions. She said she was submitting CDs for the DCB members to listen to and remind them of their important part in the Marina's history.

Ms. Walker said she would be at the next DCB meeting and that hopefully the Board would not dissolve. She thanked the Board for what they had done in the past. She said she knows the Board has tried and that is why the Board of Supervisors is doing

what they are doing. She felt that she was saying goodbye to the Design Control Board, and hoped that this was not the case.

Ms. Cloke called for an adjournment.

Voices from the audience objected to Ms. Cloke's adjournment, asking the Board to discuss issues regarding the upcoming Board of Supervisors meeting.

Mr. Faughnan stated that the matter was not on the Agenda.

Ms. Marino objected, saying that these issues had been raised last time. She said she was asking for a discussion of these issues because they cover and affect every single project and every single person in and around the Marina, as well as every single person in Los Angeles County.

Mr. Faughnan said the issues Ms Marino was raising were not really within the purview of the Design Control Board, and suggested she raise them before the Board of Supervisors. He said that requests may be made of the Board and if the Board or the Department feels there is merit to discussion of some of them, then they can request that those things be put on an Agenda. He said the Design Control Board is not here merely to have the public decide what is going to be on the Agenda; the Board is here to do the tasks that they have been charged with by the Board of Supervisors.

Ms. Marino said it was her understanding that public comment period was to raise issues that have not been on an Agenda, but that were of importance to the community and to get a discussion of those into the public arena.

Mr. Faughnan said that was correct; that the Public comment was for comment. He reiterated his point that the Board or the Department could request that things be put on an Agenda.

Ms. Marino interrupted Mr. Faughnan and said it was too late to put the items on the Agenda. She said it was material to the Design Control Board's authority and it goes to their very existence.

Mr. Faughan said that issue would be before the Board of Supervisors on Tuesday and that Ms. Marino could make her comments there and then.

Ms. Marino said she would. She commented that the public has been asking the DCB to discuss their position on the issue since last fall. She said the community would be very supportive of the Board should they wish to say, "We do not like this."

Ms. Cloke replied that the DCB stated publicly that each of its members would discuss the issue with each of their appointing authorities, and that they had done so. Ms. Cloke said she would be following Ms. Spitz. She said she had done her best for the

future of the Marina as a recreational resort destination, which was her vision and the vision she thinks is supported in all the public planning documents. It will be up to each Board member to work out with their appointing authority whether they want to be replaced or not. Ms. Cloke said she was willing to elaborate on what she did and what she felt because the public here in the Marina put so much time and effort into their work. However, she did not want to put the other Board members on the spot. She said she appreciated what was being asked and understood the frustrations, but that some things were beyond her abilities.

Ms. Marino thanked Ms. Cloke for sharing, and proceeded to ask each Board member as an individual the same.

Ms. Cloke said she would not allow that; if they wanted to say something they could, but she would not allow anybody to be put on the spot.

8. **Adjournment**
Meeting adjourned at 9:04 p.m.

Respectfully Submitted,

Maureen Sterling
Acting Secretary for the Design Control Board



To enrich lives through effective and caring service

April 5, 2007



Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director

Stan W.

SUBJECT: **ITEM 6a – ONGOING ACTIVITIES REPORT**

BOARD OF SUPERVISORS ACTIONS ON ITEMS RELATING TO MARINA DEL REY

At its March 27, 2007 meeting, the Board held a hearing on an amendment to the Marina del Rey Local Coastal Program (LCP), the purpose of which is to clarify the roles and responsibilities of the Design Control Board (DCB) and the timing of the DCB's review of Marina redevelopment projects during the coastal development permit process. The Board approved the amendment that clarifies it is the role of the Regional Planning Commission (RPC) to determine project consistency with the LCP, whereas it is the DCB's role to initially conceptually review a project's architectural design and site planning. The amendment further allows coastal development permit applications to be filed with the RPC prior to the DCB's conceptual review of the project, with the DCB having up to 120 days after the filing of the application to submit its recommendations to the RPC. Further, after the RPC's action on the coastal development permit, the DCB will have final review of project architectural design, landscaping and signs.

LOCAL COASTAL PROGRAM PERIODIC REVIEW – UPDATE

County and Coastal Commission staff met on Thursday, March 29, at which time the schedule for Coastal Commission consideration of the Marina del Rey Local Coastal Program (LCP) periodic review staff report was discussed. It is anticipated the matter will be scheduled for Coastal Commission consideration at its October 2007 meeting in either Los Angeles or Orange County. In the meantime, in furtherance of continuing discussions on the report and areas of agreement or ongoing disagreement with respect to the current draft, another meeting has been scheduled between the staffs of the County and Coastal Commission for the end of May.

STATUS OF DREDGING PROJECT

The dredging project in the Marina del Rey north entrance was completed on March 15th, which entrance is now clear and open to navigation at its design depth of 20'. Approximately 250,000 cubic meters of clean sand were removed from that entrance area and placed in a near shore zone off of Dockweiler Beach. No significant problems came to the Department's attention during the operation; by all indications, this was a very smooth, quiet and successful dredging project.

DESIGN CONTROL BOARD MINUTES

The minutes from the Design Control Board meeting for February 2007 are attached.

STRATEGIC PLANNING PROCESS FOR MARINA DEL REY

The Marina del Rey Asset Management Strategy (AMS) has been the document pursuant to which the Department has been soliciting and negotiating deals for the redevelopment, or second-generation development, of Marina del Rey. There will be a public outreach process to consider needed updates to AMS, which, at a minimum, will include the development of urban design guidelines, a master plan for public recreational areas (i.e., Chace Park, Marina "Mother's" Beach, and Admiralty Park), a transportation improvement plan, and a plan to maintain and upgrade the Marina's public infrastructure. A timeline for completing this task will be provided to your Commission at your June or July meeting.

SW:ks



To enrich lives through effective and caring service



Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

April 5, 2007

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director *Stan W.*

SUBJECT: **ITEM 6b – RESPONSE TO PUBLIC INQUIRIES**

Parcel 20 (Capri Apartments) Affordable Housing – Parking Charges and Rent Increases

During the March 14, 2007 Small Craft Harbor Commission meeting, your Commission requested a report back on the status of parking charges and rent increases being assessed against tenants of affordable housing units in the Capri Apartment (Parcel 20) facility. The Executive Director of the Community and Development Commission (CDC) has provided your Commission with the attached memo with respect to this matter.

In reading the attached memo, we note that CDC has not received documentation of the recordation of the CC&Rs, only subsequent to which the CDC has enforcement authority of the CC&Rs. By the time of your meeting, we will have information for you about the status of this recordation.

SW:ks
Attachment



**COMMUNITY DEVELOPMENT COMMISSION
of the County of Los Angeles**

2 Coral Circle • Monterey Park, CA 91755
323.890.7001 • TTY: 323.838.7449 • www.lacdc.org



**Gloria Molina
Yvonne Brathwaite Burke
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich
Commissioners**

Carlos Jackson
Executive Director

April 5, 2007

Small Craft Harbor Commission
13837 Fiji Way
Marina Del Rey, CA 90292

Dear Commissioners:

**COMMUNITY DEVELOPMENT COMMISSION RESPONSIBILITIES
13935 PANAY WAY – THE CAPRI APARTMENTS**

This letter is being forwarded in order to clarify issues raised at your meeting of March 14, 2007 and to explain the role and responsibilities of the Community Development Commission (Commission) relating to the affordable rental units within the Capri Apartments.

I have discussed with staff the minutes from the public comments made on March 14, 2007 and am forwarding the following comments.

Mr. Babcock, on more than one occasion, has discussed the status of the affordable units within the Capri Apartments with Ms. Weaver. Ms. Weaver was informed that the Developer had been in prolonged negotiations regarding the CC&Rs for the Capri Apartments, with the County Counsel for the Department of Regional Planning, not that the Developer had refused to sign the CC&Rs. He also referred her to the Los Angeles County Bureau of Consumer Affairs for possible assistance in resolving the potential issue of having been charged excessive rents in the past. Mr. Babcock informed her that as a condition of the CC&Rs, the Developer must secure the Commission's approval of rental or lease agreements for the affordable units. The Commission would not be inclined to approve a rental or lease agreement that included a parking fee for lower-income tenants and would strive to have it eliminated. However, the Commission can not compel the Developer to eliminate the parking fee.

As a courtesy, the Commission notified the Developer on December 27, 2006 of the rents that must be utilized under the terms of the CC&Rs, following recordation (a copy of the letter is attached for your reference). As required, the Commission executed the CC&Rs on March 7, 2007. On March 28, the Commission was informed that the Developer had received the CC&Rs from the Los Angeles County Department of Regional Planning. The Commission's role in enforcing the terms of the CC&Rs does not commence until they have been recorded and to date, no documentation of recordation has been received.

Small Craft Harbor Commission
April 5, 2007
Page Two

I want to again emphasize that the Commission's role and responsibilities do not begin until the CC&Rs are recorded and are limited to enforcement of the CC&Rs. Following the recordation, the Developer is required to enter into a Monitoring Agreement with the Commission under the terms of the CC&Rs.

If you have questions or concerns, you may contact Blair Babcock, Manager of Housing Development at 323-890-7270, Gregg Kawczynski, Manager of Programs Administration at 323-890-7269, or I may be reached at 323-890-7400.

Sincerely,


for Carlos Jackson, Executive Director

CJ:CBB;ms

Attach.

c: Stan Wisniewski, Department of Beaches and Harbors
Tom Faughnan, County Counsel
Elaine Lemke, County Counsel



**COMMUNITY DEVELOPMENT COMMISSION
of the County of Los Angeles**

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**Gloria Molina
Yvonne Brathwaite Burke
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich
Commissioners**

Carlos Jackson
Executive Director

December 27, 2006

Sherman Gardner
Goldrich and Kest Industries, LLC
5150 Overland Avenue
Culver City, CA 90230

Dear Mr. Gardner,

**COVENANTS, CONDITIONS AND RESTRICTIONS
CAPRI APARTMENTS – 13953 CAPRI WAY
MARINA DEL REY**

Attached are copies of the "Income and Rent Limits" chart for 2006, as adopted by the Los Angeles County Community Development Commission (Commission) along with a copy of the Los Angeles County Housing Authority (Housing Authority) chart determining "utility allowances" for geographic areas, unit sizes and utilities configurations.

The Covenants, Conditions and Restrictions developed for the Capri Apartments require that the rents for the designated units be set in accordance with the attached charts. The maximum rent amounts are shown in the lower segment of the Income and Rent Limit chart, in the row identified in bold as **HCD-State (60%) (1)**. The maximum rent, as determined by the number of bedrooms, must be reduced by the appropriate utility allowance as established by the Housing Authority chart.

The Commission's Income and Rent Limits chart is typically modified during March of each year. The Housing Authority's utility allowances are modified on a periodic basis. The Commission will make both charts available on its website lacdc.org in January, 2007, and update thereafter. If you have questions or concerns, you may contact Jewel Warren-Reed at 323-838-7768.

Sincerely,

Gregg Kawczynski, Manager
Housing Development and Preservation Division

GK:ms

c; Capri Apartments, Property Manager
Larry Hafetz, County Counsel



HOUSING AUTHORITY OF THE COUNTY OF LOS ANGELES

HOUSING ASSISTANCE PAYMENTS PROGRAM

UTILITY ALLOWANCE SCHEDULE

Non-Elevator & Elevator Units

(Effective July 1, 2006)

BEDROOM SIZE & TYPE OF UTILITY	CENTRAL LOS ANGELES	COASTAL AREAS	VALLEY AREAS	NORTH COUNTY
0 Bedroom				
Gas & Electric	\$33	\$36	\$35	\$38
Gas	\$12	\$15	\$14	\$17
Electric	\$21	\$21	\$21	\$21
Total Electric	\$49	\$53	\$52	\$58
Water	\$15	\$5	\$14	\$8
Trash	\$17	\$17	\$17	\$23
1 Bedroom				
Gas & Electric	\$42	\$46	\$45	\$49
Gas	\$17	\$21	\$20	\$24
Electric	\$25	\$25	\$25	\$25
Total Electric	\$65	\$70	\$68	\$77
Water	\$18	\$10	\$18	\$10
Trash	\$17	\$17	\$17	\$23
2 Bedroom				
Gas & Electric	\$53	\$57	\$56	\$60
Gas	\$22	\$27	\$25	\$30
Electric	\$30	\$30	\$30	\$30
Total Electric	\$81	\$88	\$86	\$98
Water	\$20	\$15	\$22	\$12
Trash	\$17	\$17	\$17	\$23
3 Bedroom				
Gas & Electric	\$64	\$70	\$68	\$76
Gas	\$27	\$33	\$31	\$39
Electric	\$37	\$37	\$37	\$37
Total Electric	\$99	\$108	\$105	\$119
Water	\$28	\$25	\$30	\$15
Trash	\$17	\$17	\$17	\$23
4 Bedroom				
Gas & Electric	\$83	\$91	\$89	\$101
Gas	\$35	\$43	\$41	\$53
Electric	\$48	\$48	\$48	\$48
Total Electric	\$128	\$139	\$136	\$154
Water	\$31	\$35	\$38	\$18
Trash	\$17	\$17	\$17	\$23
5 Bedroom				
Gas & Electric	\$103	\$112	\$109	\$125
Gas	\$42	\$51	\$48	\$64
Electric	\$61	\$61	\$61	\$61
Total Electric	\$153	\$165	\$162	\$182
Water	\$37	\$45	\$46	\$22
Trash	\$17	\$17	\$17	\$23
Refrigerator:		\$5.00	Range/Oven:	\$4.00

INCOME AND RENT LIMITS - 2006

	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
	30%							
	50%	24,250	31,200	34,650	37,400	40,200	42,950	45,750
	60%	29,100	33,240	41,580	44,880	48,240	51,540	54,900
	80%	38,800	44,350	49,900	55,540	64,300	68,750	73,200
HUD	Median 100% (2)	48,500	55,400	62,400	69,300	74,800	80,400	85,900
HUD	120% of Median (2)	58,200	66,480	74,880	83,160	89,760	96,480	103,080
HCD-State	Median 100% (1)*	39,300	45,000	50,600	56,200	60,700	65,200	69,700
HCD-State	120% of Median (1)*	47,200	53,900	60,700	67,400	72,800	78,200	83,600

Occupancy		0-bedroom	1-bedroom	2-bedroom	3-bedroom	4-bedroom	5-bedroom	6-bedroom
Factor								
HCD-State (50%) (1)*	1+1	490	560	630	705	760		
LOW-HOME (50%)*	1.5	606	649	780	900	1,005	1,108	1,212
TAX CREDIT (50%)*	1.5	606	649	780	900	1,005	1,108	1,212
City of Industry (50%)*	1+1	606	693	780	866	935	1,005	1,074
BOND (50%)**	1+1	606	693	780	866	935	1,005	1,074
HCD-State (60%) (1)*	1+1	590	674	759	843	910		
TAX CREDIT (60%)*	1.5	728	779	936	1,081	1,206	1,331	1,475
HIGH-HOME*	1.5	769	825	992	1,137	1,249	1,359	1,471
BOND (60%)*	1+1	728	831	936	1,040	1,122	1,206	1,289
BOND (80%)**	1+1	970	1,109	1,248	1,389	1,498	1,608	1,719
HCD-State (80%) (1)*	1+1	690	785	885	985	1,060		
HUD	Median 100% (2)	1,213	1,385	1,560	1,733	1,870	2,010	2,148
HUD	120% of Median (2)	1,455	1,662	1,872	2,079	2,244	2,412	2,577
HCD-State: 80% to 120% of Median (1)*	1+1	1,081	1,238	1,392	1,546	1,669	1,793	1,917

*MUST SUBTRACT UTILITY ALLOWANCE FROM LISTED RENT AMOUNT TO GET ACTUAL RENT AMOUNT TO CHARGE TENANT

**ACTUAL RENT CHARGED TO TENANT - NO UTILITY ALLOWANCE ADJUSTMENT MADE UNLESS PROJECT SPECIFICALLY REQUIRES IT FOR PROJECTS BEFORE 1-1-03

(1)* Income limits and rents for 'unassisted' developments with density bonuses. Income limits are also to be used when income-qualified buyers are assisted with tax increment funds only

(2) The numbers shown are not published by HUD and are extrapolations from the income published by HUD for 50% of median income.